

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**R. MICHAEL BEST,
KEITH DOUGHERTY,
MARYLAND CLOSE CORP, and
DOCSON CONSULTING, LLC.
PLAINTIFFS,**

v.

**U.S. FOODS INC., DELAWARE
DIVISION,
CLUCK U CORP,
J.P. HADDAD,
RICHARD DANIELS,
CUMBERLAND COUNTY
SHERIFF'S DEPT.,
CUMBERLAND COUNTY
PROTHONOTARY,
PRESIDENT JUDGE HESS, and
JUDGE BRATTON,
DEFENDANTS.**

CIVIL ACTION

No. 1:14-cv-00922

(Chief Judge Conner)

ELECTRONICALLY FILED

**MOTION TO DISMISS PLAINTIFFS' COMPLAINT FILED
ON BEHALF OF ALL DEFENDANTS**

NOW COME DEFENDANTS, President Judge Hess and Judge Bratton, by and through undersigned counsel, and hereby move this Honorable Court to dismiss Plaintiffs' Complaint against them pursuant to the Federal Rules of Civil Procedure, Rules 12(b)(1), 12(b)(5), and 12 (b)(6), averring in support thereof as follows:

A. Plaintiffs Fail To State A Claim Over Which This Honorable Court May Take Jurisdiction.

1. This Court lacks subject matter jurisdiction as Eleventh Amendment immunity bar's Plaintiffs' Complaint against President Judge Hess and Judge Bratton.
2. The court entities on which President Judge Hess and Judge Bratton sit are each not "a person" subject to suit under 42 U.S.C § 1983.
3. Plaintiffs have failed to properly serve President Judge Hess and Judge Bratton.
4. President Judge Hess and Judge Bratton are entitled to judicial immunity.
5. This court lacks jurisdiction over the claim pursuant to the *Rooker-Feldman* Doctrine.

B. Plaintiffs Fail to State a Claim upon Which Relief Can Be Granted Against President Judge Hess and Judge Bratton.

1. Plaintiffs fail to allege facts sufficient to state a claim upon which relief may be granted.
2. Docson Consulting, LLC and Maryland Close Corp. must be dismissed because limited liability business entities cannot represent themselves *pro se*.

WHEREFORE, Defendants respectfully request this Honorable Court to enter an Order dismissing all claims against them, with prejudice.

Dated: June 4, 2014

/s/Colin S. Haviland

COLIN S. HAVILAND, ESQ.

Attorney I.D. No. PA308969

GERI ROMANELLO ST. JOSEPH, ESQ.

Attorney I.D. No. PA84902

Administrative Office of PA Courts

1515 Market Street, Suite 1414

Philadelphia, PA 19102

(215) 560-6300

legaldepartment@pacourts.us

Attorneys for Defendants

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on *June 4, 2014*, he personally caused to be served upon the following a true and correct copy of the foregoing *Motion to Dismiss*, via ECF and first class mail.

R. Michael Best
6493 Carlisle Pike
Mechanicsburg, PA 17055
Pro Se Plaintiff

Keith Dougherty
Keith Dougherty Investments &
Consulting LLC
8075 Manada View Drive
Harrisburg, PA 17112-0384
Email: keithdoughertycfp@comcast.net

David Buell, Prothonotary
Cumberland County Court of
Common Pleas
1 Courthouse Square
Suite 100
Carlisle, PA 17013

Cumberland County Sheriff's Office
1 Courthouse Square
3rd Floor
Carlisle, PA 17013

/s/Colin S. Haviland

COLIN S. HAVILAND, ESQ.

Attorney I.D. No. PA308969

Supreme Court of Pennsylvania

Administrative Office of PA Courts

1515 Market Street, Suite 1414

Philadelphia, PA 19102

(215) 560-6300 Fax (215) 560-5486

legaldepartment@pacourts.us

Attorney for Defendants